

REMARKS

Entry of the foregoing amendments and reconsideration of the application are respectfully requested in view of the amendment above and the remarks below. Claims 1-26 are pending in the application with claims 1, 10, 16, 25, and 26 being independent claims. No new subject matter has been introduced by these amendments.

Claims 1-5, 9-12, and 21-22 are Directed to Statutory Subject Matter

Claims 1-5, 9-12, and 21-22 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. These claims have been amended to change them from a method format to a processor-readable medium format. Thus, the Applicant respectfully requests that the rejection of these claims under 35 U.S.C. § 101 be withdrawn.

Claims 1-9, 16-21, and 23-26 are Allowable Over the Stimson Patent in View of the Hamlin Patent

Claims 1-9, 16-21, and 23-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,502,745 to Stimson et al. ("Stimson patent") in view of U.S. Patent No. 6,477,504 to Hamlin et al. ("Hamlin patent"). This rejection is traversed for the reason below.

Claims 1, 16, 25, and 26 have been amended to recite predetermined consumer information associated with registered consumers and/or consumers registered in a survey program. This amendment is supported by at least page 4, lines 5-12 of the originally-filed Detailed Description section of the specification. The Stimson patent and the Hamlin patent are silent with respect to predetermined consumer information associated with registered consumers and/or consumers registered in a survey program.

For at least the reason stated above, the Applicant respectfully submits that independent claims 1, 16, 25, and 26 are allowable over the Stimson patent in view of the Hamlin patent. Based at least upon their dependence on independent claim 1, dependent claims 2-9 and 21 are also allowable. Based at least upon their dependence on independent claim 16, dependent claims

17-20 and 23-24 are also allowable. Thus, the Applicant respectfully requests that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

Claims 10-15 and 22 are Allowable Over the Stimson Patent in View of the Thomas Application

Claims 10-15 and 22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the Stimson patent in view of U.S. Patent Application Publication No. 2002/0002482 by Thomas ("Thomas application"). This rejection is traversed for the reason below.

Claims 10 has been amended to recite "determine, using the information relating to the consumer in the transaction, whether the consumer in the transaction is a participating consumer registered in the survey program." This amendment is supported by at least page 4, lines 5-12 of the originally-filed Detailed Description section of the specification. The Stimson patent and the Thomas application are silent with respect to determine, using the information relating to the consumer in the transaction, whether the consumer in the transaction is a participating consumer registered in the survey program.

For at least the reason stated above, the Applicant respectfully submits that independent claim 10 is allowable over the Stimson patent in view of the Thomas application. Based at least upon their dependence on independent claim 10, dependent claims 11-15, and 22 are also allowable. Thus, the Applicant respectfully requests that the rejection of these claims under 35 U.S.C. § 103(a) be withdrawn and the claims allowed.

CONCLUSION

The Applicant believes that a full and complete response has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that further personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided. Prompt and favorable consideration of the claims is respectfully requested.

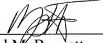
The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 50-1283.

Dated: *March 23, 2009*

Cooley Godward Kronish LLP
ATTN: Patent Group
777 6th Street NW, Suite 1100
Washington, DC 20001
Tel: (703) 456-8000
Fax: (202) 842-7899

Respectfully submitted,
COOLEY GODWARD KRONISH LLP

By: _____


Daniel M. Bennett
Reg. No. 54,993

397818 v1/RE